

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

November 8, 2007

Charles R. Fulbruge III
Clerk

No. 07-50473
Conference Calendar

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

SALVADOR RAMIREZ-MORA, also known as Victor Ramirez-Pena, also known as Salvador M Ramirez, also known as Salvador Mora Ramirez, also known as Jose Ramirez, also known as Salvador Ramirez-Morales, also known as Juan Ramirez Garcia

Defendant-Appellant

Consolidated with
No. 07-50483
Conference Calendar

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

SALVADOR RAMIREZ-MORA, also known as Victor Ramirez-Pena

Defendant-Appellant

Appeals from the United States District Court
for the Western District of Texas
USDC No. 3:04-CR-1566-ALL
USDC No. 3:06-CR-2517-ALL

Before KING, BARKSDALE, and DENNIS, Circuit Judges.

PER CURIAM:*

Appealing the Judgments in Criminal Cases, Salvador Ramirez-Mora raises arguments that are foreclosed by *Almendarez-Torres v. United States*, 523 U.S. 224, 235 (1998), which held that 8 U.S.C. § 1326(b)(2) is a penalty provision and not a separate criminal offense. See *United States v. Pineda-Arrellano*, 492 F.3d 624, 625 (5th Cir. 2007), petition for cert. filed (Aug. 28, 2007) (No. 07-6202). The Government's motion for summary affirmance is GRANTED, and the judgments of the district court are AFFIRMED.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.